

DISTRICT OF COLUMBIA DEPARTMENT OF HEALTH

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The Director of the District of Columbia Department of Health gives notice of the adoption on an emergency basis of an amendment to Chapter 13 of Title 29 DCMR, "Public Welfare," by adding a new subsection 1302.1(e). The new subsection will ensure that all Medicaid providers participating in the District of Columbia's Medicaid Program refund overpayments in a timely manner and enable the Director to issue policy memoranda setting forth formal requirements for furnishing reports on Medicaid credit balances, incorrect payments, overpayments or such other information that is necessary to properly administer the Medicaid program.

This emergency action is necessary to ensure that the Director of the Department of Health has the ability and authority to request information from participating providers about payments made to them and to refund any monies incorrectly paid. Recently, the Office of the Inspector General (OIG) of the U.S. Department of Health and Human Services conducted a review of Medicaid providers that participate in the District of Columbia's Medicaid Program and concluded that Medicaid providers need to conduct timely reviews and provide refunds of Medicaid overpayments due to Medicaid. Thus, the addition to Chapter 13, authorizing unequivocal authority with respect to overpayments, needs to be adopted immediately.

Pursuant to the authority set forth in An Act to enable the District of Columbia to receive Federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 774; D.C. Official Code, § 1-307.2), Reorganization Plan No. 4 of 1996, and Mayor's Order 97-42, dated February 18, 1997, the Director of the Department of Health hereby gives notice of the adoption, on an emergency basis, of the following amendment to Chapter 13 of Title 29 DCMR "Public Welfare," pertaining to administrative actions the Department may take with respect to providers who participate in the District of Columbia Medicaid Program.

This emergency rule was adopted on March 3, 2004, and became effective immediately on that date. It will expire 120 days from the date of effectiveness or upon publication of a Notice of Final Rulemaking in the *D.C. Register*, whichever comes first.

The Director of the Department of Health hereby gives notice of intent to take final rulemaking action to adopt this proposed rule (which is identical to the emergency rule) in not less than 30 days from the date of publication of this notice in the *D.C. Register*.

Chapter 13 of Title 29 of the DCMR is amended as follows:

A new subsection 1302.1(e) is adopted and inserted to read as follows:

- 1302.1(e) Failed to furnish requested information that the Director has found necessary for a determination as to whether any monies were incorrectly paid or whether any overpayments are or were due under Medicaid and the amounts due;

The current subsection 1302.1(e) is re-numbered as subsection 1302.1(f) and all subsequent subsections of 1302.1 are re-numbered to conform to the proper alphabetic designation.

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments in writing not later than 30 days after the date of publication of this notice in the D.C. Register. Comments should be filed with Wanda R. Tucker, Deputy Director, Medical Assistance Administration, 825 North Capitol Street, N.E., 5th Floor, Washington, DC 20002. Copies of this rule may be obtained at the address stated above.